

JC843 U.S. PTO  
01/16/2010

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 35718/242052(5718-158)

First Inventor or Application Identifier: Duvick et al.

Title of Invention: MAIZE PEROXIDASE GENES AND THEIR  
USE FOR IMPROVING PLANT DISEASE RESISTANCE AND  
STALK STRENGTH

Express Mail Label No. EL868637631US

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ADDRESS TO: **BOX PATENT APPLICATION  
U.S. PATENT AND TRADEMARK OFFICE  
P. O. BOX 2327  
ARLINGTON, VA 22202**

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Jon P. Duvick, Des Moines, IA  
Joyce R. Maddox, Omaha, NE  
Pedro A. Navarro Acevedo, Ames, IA  
Carl R. Simmons, Des Moines, IA

Assignee of this invention is Pioneer Hi-Bred International, Inc.

- The Filing Fee has been calculated as shown below.
- Applicant claims Small Entity Status. See 37 CFR 1.27.

	No. Filed	No. Extra	Small Entity Rate	Large Entity Rate
BASIC FEE			Fee 0	Fee 1
TOTAL CLAIMS:	43 - 20 =	23	X 9 = \$0	x 18 = \$414
INDEP CLAIMS:	10 - 3 =	7	X 42 = \$0	x 84 = \$588
[ <input type="checkbox"/> ] MULTIPLE DEPENDENT CLAIMS PRESENTED			+140 = \$	+280 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$	TOTAL \$ 1,742

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- Fees required under 37 CFR 1.16 (National filing fees).
- Fees required under 37 CFR 1.17 (National application processing fees).

A check in the amount of \$ 1,742.00 for the filing fee is enclosed.

The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.

- Specification; Total Pages 72
- 4 Sheets of Drawing(s) (35 USC 113)
- Declaration and Power of Attorney; [Total Pages   ]
  - Newly executed (original or copy)
  - Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - DELETION OF INVENTOR(S) Signed statement attached deleting  
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

- Computer Readable Copy (CRF)
- Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)
- Specification Sequence Listing on:
  - CD-ROM or CD-R (2 copies); or
  - Paper (50 Pages)
- Statement verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

- Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
- 37 CFR 3.73(b) Statement (*when there is an assignee*);  Power of Attorney
- English Translation Document (*if applicable*)
- Information Disclosure Statement (IDS)/PTO-1449; 6 Copies of IDS Citations
- Preliminary Amendment
- Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
- Certified Copy of Priority Document(s) (*if foreign priority is claimed*)  
Foreign Priority is claimed as Application No. , filed
- Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB35 or its equivalent.
- Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
- If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:**  
 Continuation  Divisional  Continuation in Part (CIP)  
of prior Application No: \_\_\_; Filed \_\_\_

Prior Application Information: Examiner

Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

#### 19. CORRESPONDENCE ADDRESS

CUSTOMER NUMBER 00826

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Kathryn L. Coulter

Agent of Record: Kathryn L. Coulter

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**CERTIFICATE OF EXPRESS MAILING**  
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Date of Deposit January 16, 2002  
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Nora C. Martinez  
Nora C. Martinez

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Duvick et al Confirmation No.: Not Assigned  
Appl. No.: Not Assigned  
Filed: January 16, 2002  
For: MAIZE PEROXIDASE GENES AND THEIR USE FOR IMPROVING PLANT  
DISEASE RESISTANCE AND STALK STRENGTH

**STATEMENT IN SUPPORT OF FILING A**  
**SEQUENCE LISTING UNDER 37 CFR § 1.821(f)**

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Arlington, VA 22202

Sir:

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same.

Respectfully submitted,

*Kathryn L. Coulter*  
Kathryn L. Coulter  
Agent for Applicant  
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*Nora C. Martinez*  
Nora C. Martinez